

### **Revoke Probation G.S. 15A-1344(a) through (c)**

**For felonies:** If the court revokes probation, the suspended term of imprisonment or a reduced term of imprisonment must be activated. If a reduced term of imprisonment is activated, it must be within the initial sentence range used to determine the original sentence. If the initial sentence was within the presumptive range, the reduced sentence must be within the presumptive range. If the initial sentence was within the aggravated range, the reduced sentence must be within the aggravated range. If the initial sentence was within the mitigated range, the reduced sentence must be within the mitigated range.

*Example: An offender convicted of a Class F offense with a Prior Record level of II was originally sentenced to a minimum sentence of 18 months, selected from the presumptive minimum sentence range of 15 to 19 months. Upon revocation, the court must either activate the minimum length of 18 months or activate a reduced length of either 15, 16, or 17 months. In this case, the court has no authority to activate a minimum length of less than 15 months or more than 18 months.*

**For misdemeanors:** If the court revokes probation, the suspended term of imprisonment must be activated or a modified term of imprisonment may be imposed. If a modified term of imprisonment is imposed, the term cannot be greater than the suspended term.

### **Tolling the Period of Probation G.S. 15A-1344(g)**

If there are pending criminal charges against an offender on probation, which, upon conviction, could result in revocation proceedings against the offender for violation of the terms of this probation, the probation period is tolled until all pending criminal charges are resolved. The offender remains subject to the conditions of probation, including supervision fees, during the tolled period. If the offender is acquitted or if the new charge is dismissed, the time spent on probation during the tolled period is credited against the period of probation.